

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Land – Sri Potti Sriramulu Nellore District – Revision Petition – Extent of **Ac. 7.98 cts.** in **Sy.No.1013/2** of East Gudur Village, Gudur Mandal filed by Sri Balaji Developers, Gudur represented by its Managing Partners, Sri V. Gopalakrishna Murthy and Sri Kota Rama Rao before the Government against the orders of the Joint Collector, Sri Potti Sriramulu Nellore District and the lower authorities - Heard the arguments – Revision Petition dismissed - Orders - Issued.

REVENUE (ASSN.II) DEPARTMENT

G.O.Ms.No. 2172

Dated:03.12.2011
Read the following:-

1. Proceedings No. Rc.A.190/2005, dt. 9.12.2005 of the M.R.O., Gudur.
2. Proceedings No.D.Dis.(B1) 74/2006, dt.16.3.2006 of the R.D.O., Gudur.
3. Proceedings No. D.Dis(E8)4046/06, dt.13.3.2007 of the Joint Collector, Sri Potti Sriramulu Nellore District.
4. Revision Petition filed by the Counsel for the Revision Petitioners Sri Balaji Developers, Gudur rep. by its partners Sri V. Gopalakrishna Mmurthy & Sri Kota Rama Rao, dt. Nil.

ORDER:

In the reference 1st read above, the Mandal Revenue Officer, Gudur has stated that Sri Marella Rajendra Babu and others of Ashok Nagar, East Gudur village, Gudur Mandal, Sri Potti Sriramulu Nellore District have represented to the District Collector, Sri Potti Sriramulu Nellore that they are poor SCs., they have occupied some lands backside the Audisankara College situated in S.No.1029/2B2 etc., of East Gudur village, they are cultivating the lands, and that they have requested the M.R.O., Gudur to grant them pattas. As per the instructions of the District Collector, Nellore and the R.D.O., Gudur, the Tahsildar, Gudur who inspected the land has reported that during the verification of assigned land in the village it was brought to the notice that the above assigned land was under active possession and enjoyment of Sri Balaji Developers, Gudur by way of purchase from Sri Boddu Madhusudhan Reddy. According to Section 3(1) of the A.P. Assigned Lands (POT) Act 9/1977 transfer of any land assigned to a landless poor person by way of sale gift, mortgage, exchange, lease or otherwise is prohibited and no right or title in such assigned land shall vest in any person acquiring the land by such transfer and such transaction is deemed to have been taken place. Hence, the M.R.O., Guduru has initiated Proceedings under Section 4 (a) of the A.P. Assigned Lands (POT) Act 9/1977 for having violated the condition of the grant i.e., non-alienability and resumed the land to Government after following due process of law in respect of the following lands:-

Name of the Village	Sy.No.	Extent	Classification
East Gudur	1010/2	Ac. 5.00 cts.	Dry
East Gudur	1010/1	Ac.2.01 cts.	Dry
East Gudur	1014/B	Ac.3.07 cts.	Dry
East Gudur	1013/2	Ac.7.98 cts.	Dry

2. In the reference 2nd read above, the Revenue Divisional Officer, Gudur has enquired into the matter and found that the land measuring an extent of Ac.7.98 cts. in Sy.No.1013/2 was purchased by the Revision Petitioners and that action initiated by the M.R.O., Gudur is under the provision of the A.P. Assigned Lands (P.O.T.) Act 9/1977 is according to law and is allowed. The R.D.O., Gudur in his Proceedings 2nd read above has stated that the M.R.O., Gudur has resumed the above land to the Government is proved in accordance with law and therefore the appeal filed by Sri Balaji Developers is dismissed as devoid of merits.

3. In the reference 3rd read above, while disposing of the appeal filed by Sri Balaji Developers, the Joint Collector, S.P.S. Nellore Dist. has stated that the Revision Petitioners have contended that the land measuring an extent of Ac.7.98 cents in Sy.No.1013/2 is not

assigned land and they have not even purchased a single cent of land from Sri G. Yathirajaiah. But as per records the A.W. land in Sy.No.1013/2 was assigned to landless poor Sri G. Yathirajaiah. The Revision Petitioners have contended that they have purchased the land from Sri Boddu Madhusudhan Reddy through registered sale deed and the vendor in the document has mentioned that the land in Sy.No.1013/2 is not an assigned land. The vendors of the Revision Petitioners merely claimed that it is not assigned land in the registered document and considering the fact that it is classified as A.W., it is only misleading especially in the absence of proof as to how the vendor got title over the land. The present Revision Petitioners have stated that land was assigned to an ex-serviceman and the ex-service personnel are entitled to alienate the land as per G.O.Ms.No.1117, Revenue (Assn.I) Dept., dt.11.11.1993. They have not produced any evidence that the land in Sy.No.1013/2 of East Gudur Village was assigned to Ex-serviceman and for the records it is evident that the land in Sy.No.1013/2 is Govt. land, while so the Revision Petitioners had to produce as to how title was transferred to their vendor. Hence it is evident that the M.R.O., Gudur has rightly came to a conclusion that the assigned land to landless poor was purchased by the R.Ps. and therefore the M.R.O., Gudur has initiated action under the provisions of the A.P.Assigned Lands (POT) Act 9/1977 and resumed the land to Government. The appellate authority and the R.D.O., Gudur has also rightly upheld the orders of the M.R.O., Gudur. In the circumstances, the orders of the MRO, Gudur and the R.D.O., Gudur, the R.P. deserves no consideration and dismissed.

Aggrieved by the orders of the Joint Collector, SPS Nellore Dist., Sri Balaji Developers have filed Revision Petition before the Govt. The case was finally called on 7-9-2011. The Counsel for the Revision Petitioners and the Dy. Tahsildar, Gudur on behalf of the Tahsildar, Gudur were present. During the course of argument, the Counsel for the revision petitioners has argued by stating that;

- i) the M.R.O., Gudur resumed the land in Sy.No.1014/B to an extent of Ac.7.98 cts., the J.C., SPS Nellore Dist., also confirmed the orders of the M.R.O., Gudur, but it is a military patta issued in the year 1980.
- ii) as per G.O.Ms.No. 1117, Revenue (Assn.I) Dept., dt. 11-11-1993, allotment made to the military person legally, they can sell their lands after a period of 10 years.
- iii) several transactions have taken place from 1992 to till today by way of Registered sale deeds.
- iv) Sri Balaji Developers have paid Registration charges for the transactions made.
- v) except on the basis of diglot, there is no record showing that it is Govt. land.
- vi) the Counsel for the Petitioners states that maximum extent of wet land to be assigned to landless poor person is Ac.2.50 cts. wet and Ac.5.00 of dry whereas in the present case the extent is as large as Ac. 7.98 cts. suggesting that it is a military patta.
- vii) Survey and Settlement Register and diglot registers are not a conclusive proof to establish that the land in question is Govt. land and the District Collector's version that as per the diglot which is main record to know the classification of the land there are dots in the pattadar column and hence it is purely government land. In enquiry the appellants are also not produced any documentary evidences to show that the land in question is a patta land and hence action taken by the M.R.O., under the A.P. Assigned Lands (POT) Act, 1977 proper is not at all proper.
- viii) Sri Balaji Developers have purchased the lands from those who have been purchased granted PPB & Title Deeds which have been granted through a definite process of enquiry.
- ix) Sri Balaji Developers have got approval for their layout in the subject lands from the Town and Country Planning Dept., and got them sold away to the customers on commercial lines.

x) according to the judgment reported in 1991 (1) A.L.T. 617 held that “the M.R.O., has no power to cancel D-Form patta on the ground of misrepresentation or suppression of material facts. Only the Collector has power to cancel the same under paragraph 18 of B.S.O. 15.

5. Government, after perusal of the original record and going through the contents in the Revision Petition filed by the Counsel for the Revision Petitioners, Sri Balaji Developers, Gudur represented by its partners Sri V. Gopalakrishna Murthy & Sri Kota Rama Rao, have admitted the revision petition and accordingly notices were issued to the revision petitioners and the District Collector, Krishna to attend the hearings. The case was finally heard on 7-9-2011. The Counsel for the Revision Petitioners have presented their arguments.

6. After hearing the Counsel for the Revision Petitioners’ version, the subject land cannot be considered as patta land on the following grounds:-

- (i) that as per Permanent ‘A’ Register of East Gudur village of Guduru Mandal, the A.W. land in Sy.No.1013/2 was assigned to landless poor Sri Nagareddy Penchala Reddy;
- (ii) a copy of Diglot / Re-Settlement Register (R.S.R.) of the village of Gudur, which is the basic register to know the classification of each bit of land there are dots in the column of the pattadar suggesting that the land in question is the Govt. land;
- (iii) as per the computerized ‘D’ Register of East Gudur village of Guduru Mandal, the land in Sy.No. 1013/2 is assigned land;
- (iv) as per the instructions of the Joint Collector, SPS. Nellore, the Tahsildar, Gudur has taken possession of the land in Sy. No. 1013/2 and the Govt. land implemented in Adangal / Phani as P.O.B.; and
- (v) the contention of the Counsel for the Revision Petitioners, that the land is not an assigned land is incorrect, hence it cannot be taken into consideration treating that it is a patta land, taking in to consideration the above mentioned evidence.

7. In view of the above, it is concluded that the orders passed by the authorities concerned are well within the provision of the A.P. Assigned Lands (POT) Act 9/1977. Therefore, the revision petition filed by the Counsel for the revision petitioners is dismissed.

8. The District Collector, Sri Potti Sriramulu Nellore shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The District Collector, SPS Nellore District.

Sri Balaji Developers, Gudur, Sri Potti Sriramulu Nellore District

(through the Tahsildar, Gudur Mandal).

Sri V.Gopala Krishna Murthy, S/o. Venkata Subbaiah, R/o. East Gudur, Sri Potti Sriramulu Nellore District (through the Tahsildar, Gudur Mandal).

Sri Kota Rama Rao, S/o. Venkata Narayana, R/o. East Gudur, Opp. DRDW College, Gudur Town, Sri Potti Sriramulu Nellore District (through the Tahsildar, Gudur Mandal).

Copy to:

Sri V.Narayana Reddy, Advocate, IC-123, Erramanzil Colony, Somajiguda, Hyderabad-82.

The Tahsildar, Gudur, SPS Nellore District.

The P.S. to Principal Secretary to Government, Revenue Department.

// FORWARDED BY ORDER //

SECTION OFFICER.